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Chicora Foundation, Inc.

Memo

To: Mr. Charles Wingard, W.P. Rawl
From: Michael Trinkley
CC: Lt. Eric Russell
Date: April 21, 2014
Re: Hutto/Ballington graves, Pelion, SC

Background

In middle March you contacted Chicora regarding the report that a cemetery existed on one of two adjacent tracts recently acquired by W.P. Rawl for farming (TMS 009700-02-095 and 009700-02-027). These tracts are reported to be 56.65 and 55.96 acres respectively and are situated on the Old Charleston Rd, about 2,000 feet northwest of the intersection of Florence Church Rd. and Old Charleston Rd. (Figures 1 and 2). I understood from our conversation that the Lexington County Sheriff's Department was involved, although no human remains or clear evidence of the burials had been identified. No burials were immediately obvious and your questions focused on how any remains might be identified and what Chicora would recommend to resolve the issue.

Research

The only documented information available was an unpublished and undated account of the cemetery prepared by Mr. Charles G. Taylor, Sr. The location was described as "about three miles south of Boiling Springs Church on the left of the road about ¼ mile [on the] Old Younginer Place." The cemetery was reported to consist of "seven unmarked graves" with at least "some" thought to be members of the Calvin Ballington family. In addition there was one marked grave. That stone is reported to have been inscribed, "Sacred to the Memory of James Hutto / Born 3rd July, 1843 / Died in the service of his country October 9th, 1861 / This slight testimonial of esteem is reared to his / memory by his late comrades in armes [sic]. / The Jonhson [sic] Riflemen."

Repeated efforts by both the Lexington County Sheriff's Department and W.P. Rawl employees to identify anything resembling a burial ground had been unsuccessful. About half of the property had been clear cut and the remaining acreage was slated for similar preparation.

Brief map and aerial photography research was conducted in an effort to better understand the land use history of the property. The earliest detailed map was the 1922 Lexington County soil survey map (Figure 3). While Florence Church is clearly depicted, there is no indication of settlement in the project area. The 1949 Gilbert topographic map continues to show Florence Church, as well as a more modern road network – but there is no indication of dwellings or other activity on the study tract (Figure 4). Otherwise, the same houses shown on the earlier 1922 map are still present to the north and south along the Charleston Highway and to the south of Florence Church.

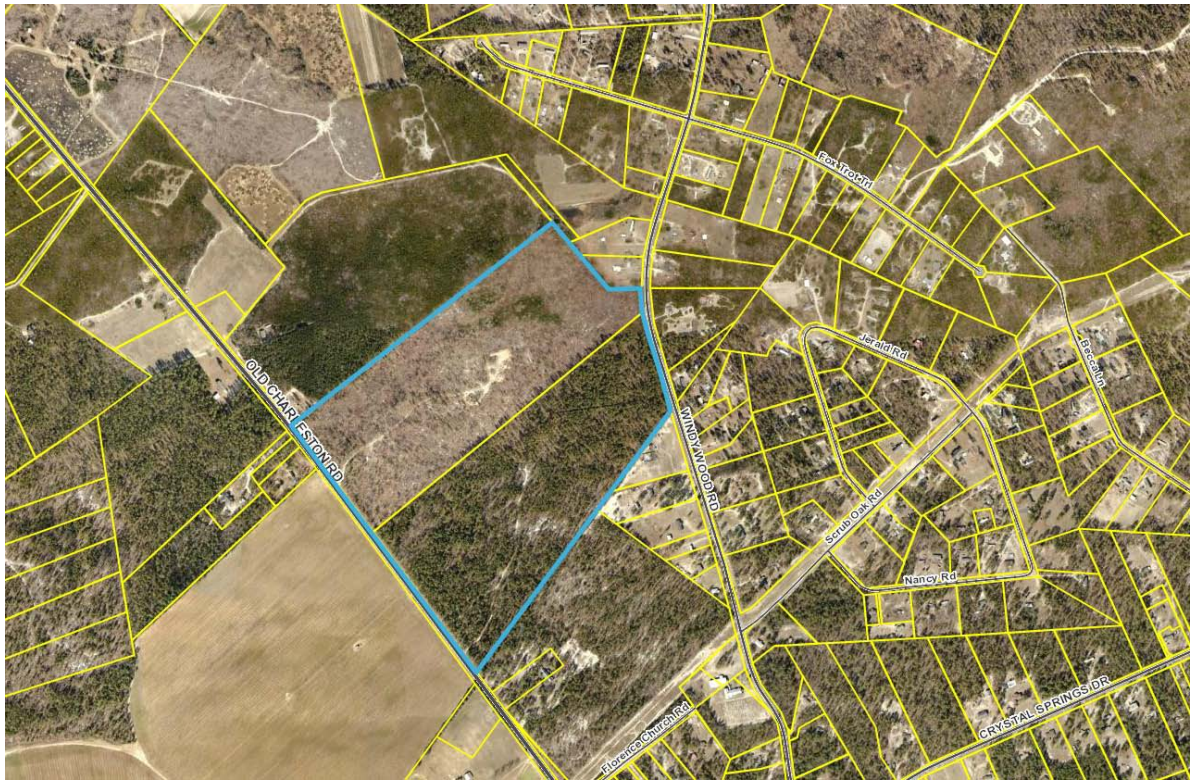


Figure 1. Lexington County parcel map showing the two tracts. The northwestern parcel has been previously clear cut; the southeastern parcel has not yet been timbered.

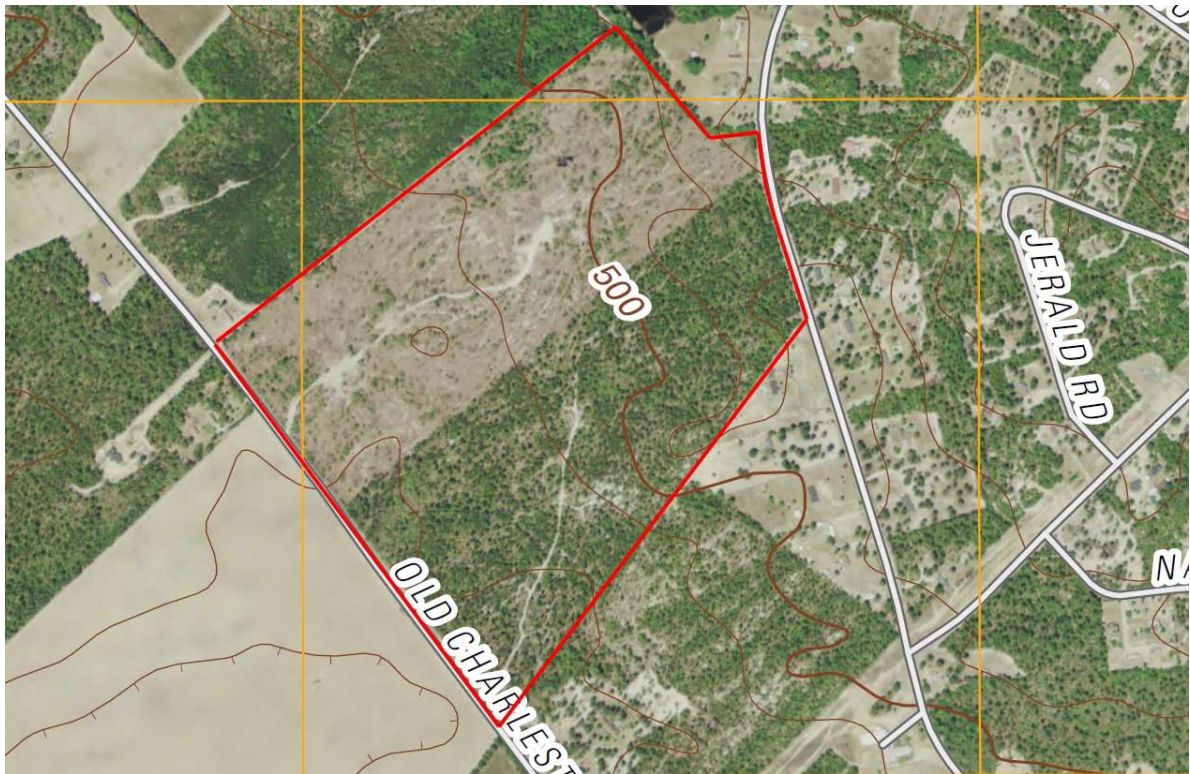


Figure 2. USGS topographic map of the project area, showing elevations increasing to the northeast.

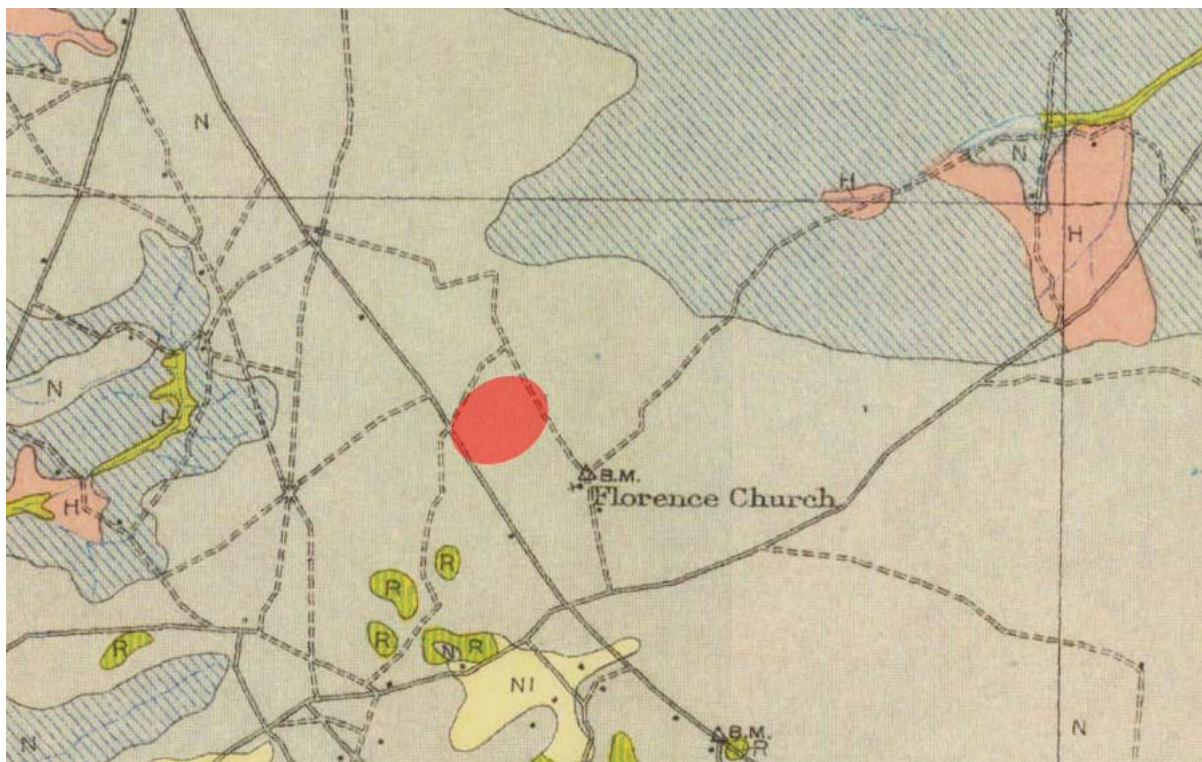


Figure 3. 1922 Lexington County Soil Survey map. The project area is highlighted. No dwellings or other features are identified.

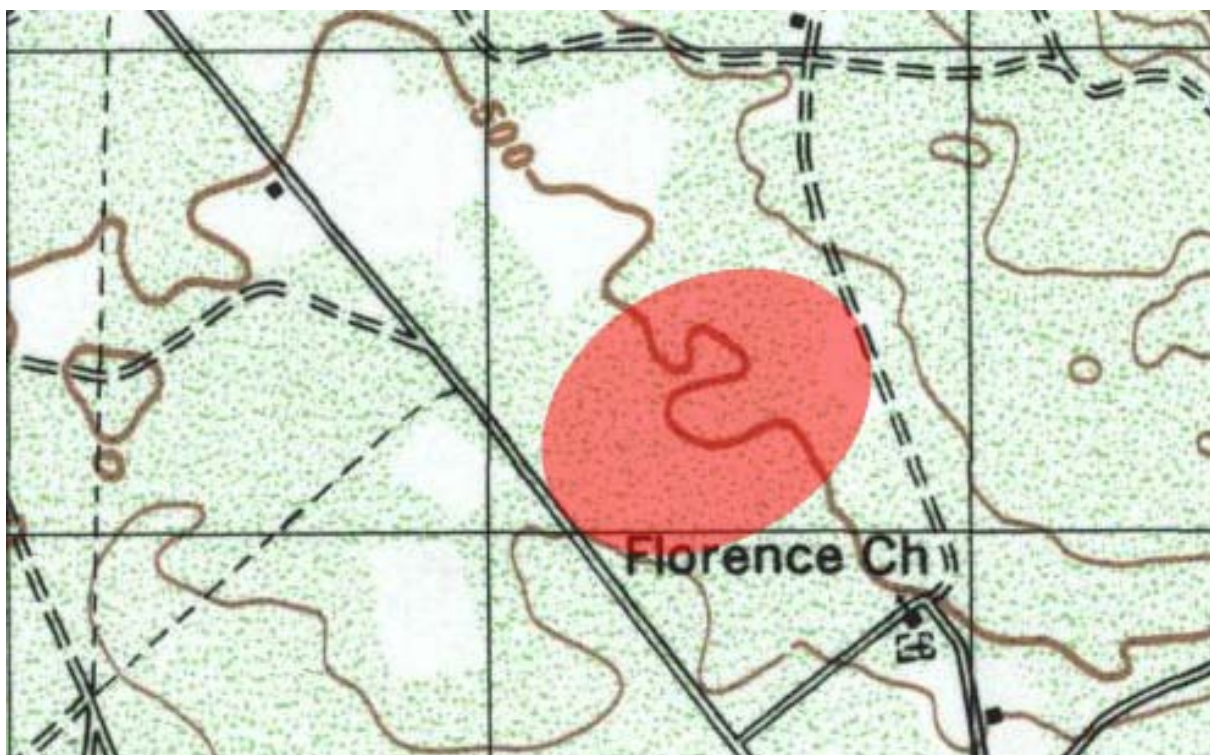


Figure 4. Army Map Service Gilbert, 1949, showing the vicinity of the project site.



Figure 5. October 1961 aerial showing the study tract.



Figure 6. September 1964 aerial showing the study tract.

The 1961 aerial photography of the project site is not especially clear, but the entire parcel is wooded. The aerial shows two broadly defined vegetative types, possibly reflecting differences in management. Only a small field along the southern boundary is present. No structures can be identified and there is no evidence of different vegetation that might suggest a burial ground.

The 1964 aerial (Figure 6) is of better quality. Distinctly different vegetation is found along the northern edge of the property and a remnant field is clearly defined along the Old Charleston Road. Various woods roads are present in the tract, the most notable of which runs northwest-southeast through the northern portion of the property. There are, however, no clues that might point to a cemetery.

The final aerial examined dates from 1989 and is a false color infrared image (Figure 7). This distinctly reveals the differences in vegetation along the northwest edge of the property, the remnant field bordering the Old Charleston Highway, and in the southern corner of the tract. While with additional field investigation this may help to better evaluate long-term land use patterns, alone it does not provide any further evidence of a cemetery.



Figure 7. March 1989 false color infrared aerial of the study area.

Additional title search was conducted by W.P. Rawl at our request. The research traced the property back to the 1877 sheriff's sale resulting from a court case demanding the partition of the lands of James Hutto, deceased. The 170 acre tract was sold to Elmore Hutto (Lexington County Register of Deeds, DB AA, pg 529). By 1918 the 170 acres was again being partitioned by the courts. Through uncertain derivation the property was owned by the Smith family. The court ordered sale resulted in James W. Roof acquiring the property (Lexington County Register of Deeds, DB 3M, pg. 173). In 1945

the Cotton Oil Company, who held a mortgage on the property, sued James W. Roof for payment of debts. The 170 acres were again sold at public auction, this time to C.E. Jones (Lexington County Register of Deeds, DB 3M, page 258). In 1951 the parcel, still identified as 170 acres) was sold by Jones to Jason W. Ballington, the first time since Reconstruction that this family owned the property (Lexington County Register of Deeds, DB 7F, page 407). By 1962 Ballington had died and the property was sold by his executors (John P. Ballington and J.W. Ballington, Jr.) to Amilee B. Waits (Lexington County Register of Deeds, DB 11F, pg. 120).

It was after this 1962 sale that the property was broken into two parcels.

The deed research is significant for several reasons: (1) there is no indication back to 1877 that the property was owned by a Younginer, (2) there is no reservation at any time of a family burial ground or graves, and (3) there is no indication that the Ballington family owned the property prior to the mid-twentieth century. These findings cause considerable confusion in attempting to reconcile the available information.

I was given research by the Keislars on the Ballington family. It appears that Jeremiah Calvin Ballington (1850-1933) and his wife, Hulda Emaline Rish Ballington (1853-1921) were buried in their "family cemetery" (Lexington County Death Certificate, 1933, 4003). The publication, *The Ballington Family of Lexington County, SC* (2007, Lewis Clinton Ballington) claims that J.C. and H.E.R. Ballington were disinterred and moved to Nazareth Lutheran Church. No independent confirmation of this has been identified.

In addition, there is no evidence that J.C. Ballington ever owned the W.P. Rawl tract and it is only the assignment of the unmarked graves to the Calvin Ballington family that places them on this property. We must consider that this oral history, when collected by Mr. Taylor, was incorrect and these unmarked graves are not associated with the Ballington family.

Federal census records reveal that Ballington owned his farm since at least 1900, so he was never a tenant on another's property. In fact, the 1920 census reveals that this farm was situated on Calks Ferry – not the Old Charleston Highway. Thus, it seems increasingly unlikely that the unmarked graves were those of the Ballington family.

It is possible that the unmarked graves are also associated with the Hutto family. While a James Hutto owned the property prior to 1877, I have not been able to identify him in the federal census; nor have I been able to place him in the family tree of Nicolas and Susanna Grubbs Hutto, the parents of James V. Hutto whose grave has been reported. Thus, it is not possible at this point to *prove* that Nicolas Hutto owned the W.P. Rawl property. Additional research, for example examining the probate records if they exist, may be able to make this connection. Such work is, at present, beyond the scope of this review.

The James Hutto whose monument was observed by Mr. Taylor is apparently the James Hutto who enrolled September 10, 1861 at the Lexington County Court House as a private in Company K. 13th South Carolina Infantry. He died in a Columbia, South Carolina on October 9, 1981, apparently of "congestive chills," a term for malaria with diarrhea.

In 1860 the federal census shows the 42 year old Nicolas and 38 year old Susanna living in Barnwell County with eight children – none of who are named James. He had a prosperous farm, valued at \$5,600 and producing 17 bales of cotton. The reason for his son – if these are his parents – enlisting in Lexington is not clear. Curiously, the family cannot be identified in any subsequent census records.

On April 19 interested individuals gathered at the Lexington County Sheriff's Department Pelion Substation where I had the opportunity meet with them individually.

The Keislars, while never visiting the cemetery, had compiled a variety of records concerning both the Ballington and Hutto families, much of it used here.

Mr. and Mrs. Taylor reported they visited the cemetery in the 1970s, apparently more recently than originally reported (when it was stated they visited the cemetery in the "mid or late 1960s." He also acknowledged that his directions were vague and that the cemetery was located on the Old Charleston Highway, requiring a turn off Calks Ferry Road (on which Boiling Springs Church is located). The cemetery has been reported to him by an individual no longer alive. He recalled the monument being white – likely marble – with the other graves marked with fieldstones. He does recall anything around the cemetery, which was situated in blackjack oaks. He also reported that the property had been clear cut 25 to 30 years ago (ca. 1990) and that the marker was "stolen" ca. 1975-1980. His estimation of the cemetery is shown on Figure 8.

Mr. Roy Gunter had visited the cemetery about 50 years ago (ca. 1965) and he reported it being situated in an area of blackjack and post oaks, with one cedar tree nearby. He thought the cemetery was between Charleston Highway at the southwest and a low spot to the northeast. He, too, remembered it being logged, perhaps 1998-2000. He is convinced that the cemetery was situated in an area that today has had soil piled up for some sort of dirt bike or go-cart track and that the stone was buried, not stolen. His estimation of the cemetery location is also shown on Figure 8.



Figure 8. Eye witness locations of the cemetery. The red circle is that identified by Mr. Gunter; the yellow circle by Mr. Taylor.

The locations are in close agreement, especially given how long ago the cemeteries were visited. It is not known, however, if recent events have served to combine locations. Both locations are at least partially within the portion of the property that was recently clear cut.

Evaluation

Although a grave for James Hutto is reported, I have been unable to identify the property as being owned by Nicolas Hutto, the father of James Hutto. Nicolas had a profitable farm in Barnwell and no reason has been identified for his leaving that location. In addition, I have been unable to identify a relationship between Nicolas Hutto and the James Hutto who died ca. 1877. Additional historical research may be able to resolve these uncertainties, but that work was not conducted during this project.

While oral history reports graves of the Ballington family, my research suggests that this is unlikely. No Ballington owned the property until 1951 and the federal census reveals that Calvin Ballington owned a farm located on Calks Ferry Road – not on the Old Charleston Highway.

None of the deeds, traced back to Reconstruction, mention or reserve a family burial ground or cemetery.

The subject property has been logged perhaps twice in the twentieth century, with at least one logging after the cemetery was observed by Mr. Taylor and Mr. Gunter. With the cemetery unreported to logging crews, it is likely that considerable damage occurred during these activities.

At least one informant believes the Hutto stone to have been stolen prior to ownership by W.P. Rawl and another informant believes the cemetery may have been damaged/destroyed by a dirt bike track.

Given the land use history and uncertain locational information, it is very unlikely that the cemetery can be located today. The use of pedestrian survey, with no standing marker and perhaps only depressions, after extensive ground modification, will not be effective. Ground penetrating radar (GPR) is very costly, requires a clear and clean ground surface, and has limited success in locating mid-19th century graves.

Recommendations

It is reasonable to carefully remove the dirt bike mounds in an effort to identify any remains of a marble stone. Typically, however, such efforts will be unsuccessful. Marble does not hold up well to construction activities and it is likely that it was broken into multiple fragments either by logging or the creation of the dirt bike tract. Thus, while I have limited hopes for finding the stone, this remains a reasonable and cost-effective approach.

If a stone is located, I encourage you to contact us to allow additional assessment of the location while the stone is still as found in an effort to determine if this is an original or transported location.

Otherwise, it seems that everyone is in agreement with an effort to commemorate the known grave by installing a replacement stone in the nearby Florence Church, where other members of the Hutto family are buried.

I recommend that granite be used as it is far more durable than marble. To maintain a similarity with the Confederate style marker used by the NCA, it should measure 42-inches in length, 13-inches in width, and 4-inches in thickness. The monument should have a shallow peaked top, rock hammered or rock hammered sides, and steeled or saw cut front and back.

The front of the marker should be inscribed to read:

[Southern Cross of Honor]
In Memory Of
James Hutto
Born 3rd July, 1843
Died in the service of his country October 9th, 1861
This slight testimonial of esteem is reared to his
memory by his late comrades in arms.
The Johnson Riflemen

The reverse of the marker should be inscribed to read:

Erected in 2014 to commemorate this and perhaps other graves
about 0.6 mile northwest of this location.